

## II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claims 19 – 34 are pending.

### *New claims*

Claims 33 and 34, which respectively depend from claims 25 and 19, have been added and recite that a third set of condenser tubes are in fluid communication between the second manifold and a third portion of the first manifold that does not communicate with the inlet chamber or the outlet chamber. The third set of condenser tubes is adapted to carry the refrigerant from the second manifold to the third portion and from the third portion to the second manifold.

### *Claim Rejections - 35 U.S.C. §102(b)*

The rejection of claims 19 and 21-24 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,894,885 to Paquet (Paquet) is respectfully traversed.

Paquet contains no teaching or suggestion of utilizing different lengths of first and second sets of condenser tubes. As seen in Paquet, the condenser tubes are all of the same length.

Claim 19 recites (as seen at least in Figures 2, 3 and 5) that the length of the second set of condenser tubes, those extending between the second

manifold and the outlet chamber of the first manifold, have a greater length than the first set of condenser tubes, those extending between the inlet chamber of the first manifold and the second manifold. Constructed in this way, the liquid phase is contained exclusively within the first and second sets of condenser tubes irrespective of the thermodynamic conditions within the condenser, enabling elimination of the receiver in a system incorporating the condenser.

*Claim Rejections - 35 U.S.C. §103(a)*

The rejection of claim 20 under 35 USC 103(a) as being unpatentable over Paquet in view of U.S. Patent No. 5,178,209 to Akoi et al.

(Akoi) is respectfully traversed. Akoi et al. fails to correct for the deficiencies noted in Paquet. Therefore, claim 20 is likewise allowable.

The rejection of claims 25 and 27-33 under 35 USC 103(a) as being unpatentable over Paquet in view of Poles et al.

(Poles) is respectfully traversed. Similarly, Poles et al. fails to correct for the deficiencies noted in Paquet. Therefore, claims 25 and 27-33 are likewise allowable.

The rejection of claim 26 under 35 USC 103(a) as being unpatentable over Paquet in view of Poles et al. (Poles) and further in view of Akoi et al. is also respectfully traversed.

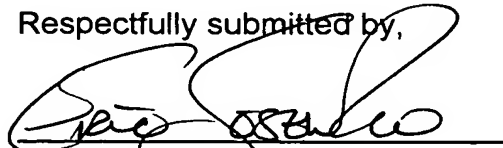
Akoi et al. fails to correct for the deficiencies noted in Paquet and Poles et al. Therefore, claim 26 is likewise allowable.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentable distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(734) 302-6000

Respectfully submitted by,



Eric J. Sosenko  
Reg. No.: 34,440  
Attorney for Applicant(s)